

REMARKS

The above-identified patent application is subject to a Restriction/Election requirement. The Examiner considers the pending claims 1-25 to be directed to two patentably distinct inventions. Group I, including claims 1-21, is identified as being drawn to a system for controlling deceleration of an engine crankshaft, classified in class 477, subclass 107, and group II, including claims 22-25, is identified as being drawn to a method for controlling engine crankshaft deceleration, classified in class 477, subclass 107.

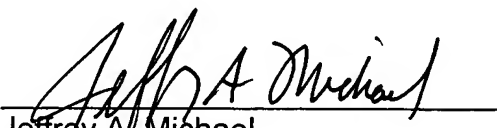
Applicants' respectfully traverse this Restriction/Election requirement. Under MPEP § 803, "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants submit that the Restriction/Election requirement in this case is necessary because a search and examination of all claims of the subject application would not be burdensome to the Examiner. First, the Examiner has identified the two groups as being classified in the same class and subclass; namely class 477, subclass 107. Applicants' submit that a search for subject matter of all claims in the subject application would accordingly be conducted the same as it would be for either of group I or group II alone. The search for the subject matter of all claims in the subject application would therefore be no more burdensome than a search for the subject matter of either of groups I or II. Second, the Examiner has identified the two groups as being "related." Applicants' submit that examination of all claims in the subject application would accordingly be no more burdensome than an examination of the claims of either of groups I or II alone.

Because a search and examination of all of the pending claims 1-25 can be made without serious burden, the examiner must, under MPEP §803, examine all of applicants' claims 1-25 on the merits, even though they may include claims to independent or distinct inventions. Withdrawal of the Restriction/Election requirement is therefore solicited.

To comply with the requirements under 37 CFR §1.143, applicants' provisionally elect group I, corresponding to claims 1-21 for substantive examination, and provisionally withdraw claims 22-25. In the event that the Examiner is persuaded by applicants' foregoing arguments, the Examiner is authorized to reinstate applicants' claims 22-25.

Applicants' believe that the Restriction/Election requirement is unnecessary in this case and should be withdrawn. The Examiner is cordially invited to contact the undersigned by telephone to discuss any unresolved matters.

Respectfully submitted,



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